

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

DONNA K. SOUTTER,  
For herself and on behalf of all  
similarly situated individuals.

Plaintiff.

Civil No. 3:10-cv-00514-HEH

v.

TRANS UNION, LLC.

Defendant.

**AGREED DISCOVERY ORDER**

This matter is before the Court to enter the Parties' Agreed Discovery Order pursuant to a discovery plan developed jointly under Federal Rule of Civil Procedure 26(f). Having considered the Plan, and deeming it otherwise just and proper to do so, the following schedule shall be entered:

1. **Pre-discovery Disclosures.** The Parties shall exchange the disclosures required under Fed. R. Civ. P. 26(a)(1) by **February 21, 2011**.

2. **Deadline for Joinder of Parties or Amendment of Pleadings.** The Parties shall file all motions requesting joinder of additional parties or amendments of pleadings by **February 18, 2011**.

3. **Limitations/Phased Discovery.** This is a complex matter that includes class action claims. The Parties jointly propose that discovery be conducted in two phases. Phase I shall include all discovery reasonably necessary for the Parties to litigate class certification, including written discovery and depositions of the Parties and third parties, to the extent relevant to class certification. Phase II shall include discovery related to the individual claims of the Plaintiff and other merits and liability issues.

The limits set forth in the Federal Rules shall govern Phase I discovery except that the Parties shall be limited to a total of 12 depositions per side. The Parties shall also be permitted to depose for one seven-hour day on the record each expert disclosed by another party.

Phase I discovery shall be completed by **June 10, 2011**.

Phase I expert witness disclosures shall be served by **April 10, 2011**. Rebuttal Phase I expert disclosures shall be made by **May 11, 2011**. Expert depositions for Phase I shall be completed by **June 10, 2011**.

Motions regarding class certification shall be filed by **June 30, 2011**. Opposition briefs shall be filed by **July 20, 2011**. Reply briefs shall be filed by **August 4, 2011**. A hearing on class certification will be set by the Court. In the event that Plaintiffs file their motion at an earlier date, opposition briefs shall be filed within twenty-one calendar days of filing of the motion and reply briefs shall be filed within fourteen days of filing of the opposition brief.

The Parties shall meet and confer 14 days after the Court rules on class certification to discuss an appropriate schedule for Phase II.

The following shall summarize the deadlines in this case:

<u>Activity</u>		<u>Deadline</u>
Deadline to serve Fed. R. Civ. P. 26(a)(1) initial disclosures as to Phase I issues		<b>February 21, 2011</b>
Deadline to file motions requesting joinder of additional parties or amendments of pleadings		<b>February 18, 2011</b>
Deadline to serve Fed. R. Civ. P. 26(a)(2)(B) expert reports as to Phase I issues		<b>April 10, 2011</b>
Deadline to serve responsive Phase I expert reports		<b>May 11, 2011</b>

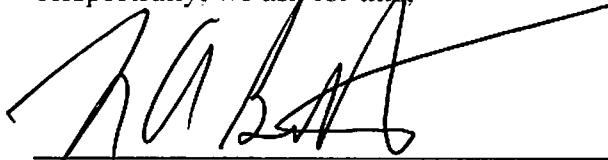
Close of Phase I fact discovery (including depositions and production of written discovery)		<b>June 10, 2011</b>
Deadline for Phase I expert depositions		<b>June 10, 2011</b>
Deadline to file motions regarding class certification		<b>June 30, 2011</b>
Deadline to file response to motion for class certification		<b>July 20, 2011</b>
Deadline for reply in support of motion for class certification		<b>August 4, 2011</b>
Hearing on Class Certification		<b>To be set by the Court</b>

4. **Trial before a Magistrate Judge.** The Parties have not agreed to conduct the trial before a magistrate judge.

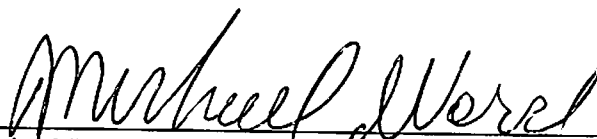
5. **Settlement.** The Parties have not engaged in substantial settlement discussions at this time, but will comply with the Court's order regarding a settlement conference referral.

6. **Protective Order.** The Parties foresee the need for a protective order governing the dissemination and disclosure of certain documents produced in the case. The Parties agree to work together to submit an agreed protective order for entry by the court.

Respectfully, we ask for this.



Leonard Anthony Bennett, VSB #37523  
Consumer Litigation Associates, P.C.  
12515 Warwick Blvd, Suite 100  
Newport News, VA 23606  
757-930-3660  
757-930-3662 facsimile  
[lenbennett@clalegal.com](mailto:lenbennett@clalegal.com)  
***Counsel for Plaintiff***



Michael R. Ward, VSB #41133

Morris & Morris, P.C.

PO Box 30

Richmond, VA 23218-0030

(804) 344-8300

(804) 344-8539 Fax

[mward@morris-morris.com](mailto:mward@morris-morris.com)

and

Paul Lee Myers *Pro Hac Vice*

Strasburger & Price LLP

2801 Network Blvd., Suite 600

Frisco, TX 75034

(469) 287-3903

(469) 227-6567 Fax

[paul.myers@strasburger.com](mailto:paul.myers@strasburger.com)

and

M. Kasey Ratliff *Pro Hac Vice*

Strasburger & Price LLP

901 Main St, Suite 4400

Dallas, TX 75202

(214) 651-4708

(214) 659-4007 Fax

[kasey.ratliff@strasburger.com](mailto:kasey.ratliff@strasburger.com)

*Counsel for Trans Union LLC*

It is so ORDERED this 22 day of February, 2011.



/s/

United States District Judge